

TOWN OF TRURO
BOARD OF SELECTMEN
MEETING OF TUESDAY, JULY 25, 2006

The Truro Board of Selectmen met for their weekly session on Tuesday, July 25, 2006 at 6:00 p.m. at the Truro Town Hall, 24 Town Hall Road, Truro. In attendance were: Chairman Alfred Gaechter, Vice-Chairman Gary Palmer, Clerk Christopher R. Lucy, Curtis Hartman, Jan Worthington, Town Administrator Pamela Nolan, Assistant Town Administrator Charleen Greenhalgh, Administrative Secretary Julie DuPree, ConsCom members Jim Downey, Al Silva, Fred Schilpp, Deborah McCutcheon, and Diane Messinger, Joyce Johnson, Paul Morris, John Portnoy, Gordon Peabody, Joel Fox, Sarah Turano Flores, Freddie deSousa, Desiree Duda, Pat Pajaron, Steve Desroche of the Cape Codder, and Pru Sowers of the Banner.

Mr. Gaechter convened the meeting at 6:00 p.m.

Minutes: Mr. Palmer moved to approve the minutes of the regular and Executive Sessions of July 18, 2006, as written. Mr. Lucy seconded it. Vote: 5-0, unanimous.

Public Comment: none.

Police Appointments: Mr. Gaechter moved to appoint Domingo Gonzalez as Prosecutor/Investigator and Evidence Officer. Mr. Hartman seconded it. Vote: 5-0, unanimous.

Herring River Restoration Plan: Mr. Peabody told the BOS that because the upper reaches of the Herring River Estuary connect with the Town of Truro, the members of the Herring River Technical Committee want to provide information on the project and offer an invitation of restoration partnership. An area comprising 193 acres in South Truro is impacted by a tributary of the Herring River. He explained that they have carefully and thoroughly located property owners in the total 1k+ acre area, and are surveying property owners with undeveloped property. They have held stakeholder meetings. Mr. Portnoy then gave the BOS an overview of the river area as it is now. It was first diked in 1909 for mosquito control. Mr. Palmer questioned how the restoration might affect septic systems. Mr. Portnoy said that according to Slade Associates, it shouldn't be any problem in the South Truro area, but bears looking at more closely. He estimated a timeline of at least 3-4 years because the planning and permitting required are extensive. Discussion centered on a comparison of what took place at the Mill Pond marsh, where it was a natural breach, and what will happen in this case, with restoration done slowly and in a managed fashion. As far as funding is concerned, Mr. Peabody said there is a great deal of interest in this project from significant grant funding sources. They discussed the funding for land purchase that is already in place. Mr. Gaechter asked what they needed from Truro. Mr. Peabody said they wanted to extend an invitation to Truro to be a part of this. They need to locate some property owners in Truro; they are seeking a level of awareness of this project. Education has been a critical factor in allaying people's fears. Mr. Fox added that they want to send mailings to the property owners of Truro. Mr. Gaechter told them that Mr. Palmer would be the BOS liaison to their committee and would see that they got the addresses they need. Mr. Palmer will be apprised of all their meeting times.

Appointment, PHC: Mr. Gaechter moved to appoint Fernando deSousa from an alternate

member to a full member of the Pamet Harbor Commission. Mr. Lucy seconded it. Vote: 5-0, unanimous.

Appointment, WROC: In answer to the BOS secretary's request for a recommendation for appointment, the ConsCom had voted to have the BOS appoint Mr. Irwin to represent them on the WROC. Mr. Schilpp said that he had been approached by Chairman Kuechler to represent the ConsCom. Mr. Palmer concurred, noting that Mr. Schilpp had been attending their meetings as a liaison since December. Ms. McCutcheon told the BOS that the ConsCom would be meeting on August 7th and suggested that the BOS defer action on this appointment. The topic was tabled.

Joint meeting with the ConsCom: Mr. Gaechter said they were meeting to talk over the ConsCom's plans for the Conservation Bylaw and town meeting issues. Mr. Downey said the BOS might point out to the Moderator that she allows more time to answer questions about complicated articles such as this one was. Discussion centered on the problem of placement on the Warrant, and how to work together to get more public awareness of such complicated technical articles. Ms. McCutcheon noted that it took a long time for the ConsCom to come to agreement on the bylaw, so there wasn't a lot of time to educate the public. They should have had it out there in front of the public six months before ATM. They discussed some of the reasons that they felt the bylaw failed, and some of the things they can do to improve it. Mr. Hartman encouraged them to have a non-lawyer work over the text so that it reads more clearly, and to take it to all the other boards before hand because they can point out problems, and then they can also speak in favor of it on town meeting floor because they will understand it. Ms. Messinger said that they need to work in concert with the other boards; everyone is off doing their own thing. Mr. Gaechter agreed that coordination of the boards was important and directed Ms. Nolan to put that as an action item and add it to their goals. Ms. Duda suggested that all the boards put their meeting minutes on the website.

They next discussed the proposed article to transfer the control of conservation land from the BOS to the ConsCom. Mr. Downey feels it should be done. Mr. Gaechter suggested getting Ms. Greenhalgh involved in identifying all the conservation land and suggested that he, Ms. McCutcheon, Town Counsel, and Ms. Greenhalgh sit down together. Ms. Nolan is to direct Ms. Greenhalgh to coordinate a meeting.

Briefing by Town Counsel: Ms. Turano Flores reported that in the last month they have had five favorable decisions of suits brought by Mr. Allen and Ms. Cordi-Allen and Mr. Zitzkat. Earlier the courts dismissed the Allen/Cordi-Allen's appeal under Wetlands Protection, and yesterday a final decision denied their appeal for reconsideration. On July 6th, the DEP and law judge decided on the house project appeal by Allen/Cordi-Allen. The decision was that the property is a coastal dune and did not meet performance standards under the Wetlands Protection Act. The civil rights claim by Ms. Cordi-Allen was moved to dismiss and the decision was to dismiss all the complaints except the zoning complaint. In the Zitzkat case regarding moving his house seaward, the DEP review upheld the decision of ConsCom; there is a superceding order denying it. Mr. Zitzkat has appealed. Mr. Gaechter wondered if a town has ever gone after

a litigant for bringing a frivolous lawsuit, such as the Cordi-Allen civil rights suit. Ms. Turano-Flores said she would speak to the town's insurance company's legal counsel, who is looking into that on behalf of the town.

The trial in the Boespflug case has been set for November 15th.

Recreation Commission membership request: Ms. Duda explained on behalf of the Recreation Commission that they have two members who are invaluable, but are not year-round residents: Steve Roderick, and alternate Richard Marr. Since the Recreation Commission has a lot of projects underway right now, they need more than the usual four members attending meetings. Discussion centered on whether to add another alternate member, or whether to change the membership from five to seven members, plus alternate. **Mr. Lucy moved to increase the Recreation Commission membership from five to seven members with one alternate member, and to advertise for two full members. Mr. Hartman seconded it. Vote: 5-0, unanimous.**

Goals/Objectives: The Board will look over last year's goals and put the matter back on the agenda in two weeks. **Mr. Gaechter moved to authorize the Town Administrator to send out the traditional letter to employees and committees for input on their goals. Mr. Lucy seconded it. Vote: 5-0, unanimous.**

Bells/Chimes: Mr. Morris said he doesn't know where to turn with the bells. The Verdin Company says our new equipment is not correct to do what we want to do and that we need to buy new equipment, including new hammers. He showed the Board a sample of some different sound deadening material, which he recommends be placed on the louvers once they are turned around so that the weather does not get in. Mr. Gaechter said he doesn't want to spend X amount of money on new equipment when we haven't even used what we have. Mr. Morris went on to say this new soundproofing is for high frequency sound. We had originally put soundproofing for low frequency and that was the wrong thing to do. The consensus of all was to go ahead with this new soundproofing material. Mr. Morris said the new material is not cheap.

Town Administrator's Report: (no action items)

Selectmen/Liaison Reports: (action items)

Worthington: -Suggested that an anonymous questionnaire be sent on housing asking if you own an accessory apartment, would you rent it affordably. They discussed who should pursue this. Mr. Hartman will approach the Planning Board, but thought they should discuss it with the Housing Authority first.

- Said she was pleased with the joint meeting tonight and thought the most direct route to better communication is to have more group meetings.

Next week's agenda: Truro Conservation Trust, Curb cut application, request for conflict of interest letter for Chief Thomas, one-day liquor license request. It was decided that all

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of these things could wait a week, so there will be no BOS meeting next week.

Other business: none

At 8:20 p.m. Mr. Gaechter moved to convene in Executive Session under the provisions of MGL Chapter 39, Section 23B to consider the acquisition of land and employment negotiations and to not reconvene in Open Session. Roll Call Vote: Hartman, aye; Palmer, aye; Gaechter, aye; Lucy, aye; Worthington, aye. 5-0, unanimous.

Alfred Gaechter, Chairman

Gary Palmer, Vice-Chairman

Christopher R. Lucy, Clerk

Curtis Hartman

Janet W. Worthington

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